

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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US BANK, NATIONAL ASSOCIATION,

Case No. 13-civ 7626 (NRB)

Plaintiff,

-against-

COMMONWEALTH LAND TITLE INSURANCE
COMPANY,

**NOTICE OF MOTION TO
DISMISS THE THIRD PARTY
COMPLAINT**

Defendant.

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COMMONWEALTH LAND TITLE INSURANCE
COMPANY,

Hon. Naomi Reice Buchwald

Third-Party Plaintiff,

-against-

ANM FUNDING LLC, ABE KLEIN, NOAH
HERSHKOVITZ, LEAH HERSHKOVITZ, TSVINY
HERSKKOVITZ, LOWENTHAL & KOFMAN, P.C.,
MARTIN KOFMAN, NORMAN TEPFER, SAMUEL
GLUCKMAN and ROLAND FIELDS,

Third-Party Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Thomas A. Leghorn dated December 15, 2014, the pleadings and exhibits annexed thereto and the accompanying memorandum of law, third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and Norman Tepfer will move this court on **February 6, 2015**, as agreed by counsel, or as soon thereafter as counsel can be heard, before the Hon. Naomi Reice Buchwald at the Courthouse located at 500 Pearl St., Room 21A, New York, New York for an Order dismissing third-party plaintiff's claims against third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and

Norman Tepfer, in their entirety, pursuant Fed. R. Civ. P. 12(b)(6); and granting such other, further and different relief as this Court deems just and proper.

Dated: New York, New York
December 22, 2014

Yours etc.,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

By:

S&S/T
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